



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/276,716	03/26/99	YOKOTA	M 0020-4539F

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EXAMINER

BUTTNER, D

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 06/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

9-276716

Applicant(s)

YOKOTA

Examiner

BUTNER

Group Art Unit

1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-5 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Asakura '664 Patent.

Asakura exemplifies (C5) a three piece golf ball having a soft outer cover and a filled harder inner cover. The core has a deformation of 4.8. Presumably, the hardness of the core is uniform since the reference doesn't say otherwise.

The reference does not measure JIS-C hardness. However it is known that two stage vulcanized cores of such composition and deformation inherently have JIS-C values within applicant's range (see Moriyama '856 col 3 line 11, 16, 59 and table 3).

Claims 1,2 and 5 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Moriyama '802 Patent.

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Moriyama '802 exemplifies (#1-3) three layer balls having a soft outer cover and a hard inner^{cover}. The core has a deformation of 3.7 to 5.0 (col 3 line 5).

The reference does not measure JIS-C hardness. However is known that such cores inherently have uniform JIS-C values within the claimed range (see Tanaka '663's tables and vulcanization method).

Claims 1,2 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over the Moriyama '802 Patent in view of Tanaka '663.

Moriyama does not measure his core's JIS-C hardness or uniformity thereof.

It is known that cores with uniform hardness improves ball properties (col 3 line 5-7 of Tanaka) and typically are within the JIS-C range claimed by applicant.

It would have been obvious to ensure Moriyama's core hardness is uniform for the expected advantages.

Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over the Moriyama '856 Patent in view of Sullivan '356.

Moriyama discloses golf balls having the same core used by applicant (examples 1-30) Moriyama's core can have two covers (col 4 line 24-29). Moriyama does not provide details of the dual cover.

Dual covered balls having a hard, highly filled inner cover and soft outer cover are known to be advantageous (see Sullivan's abstract, claim 33, col 41 line 48-54).

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It would have been obvious to ensure Moriyama's dual cover has the shore D and density characteristics taught by Sullivan for the expected advantages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is (703) 308-2403. The examiner can normally be reached on weekdays from 10 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson, can be reached on (703) 30-2340. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

DAVID J. BUTTNER
PRIMARY EXAMINER

David Buttner/lw
June 21, 2000

David Buttner